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# HEAR BOTH SIDES.

BY

JACOB BARKER.

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NEW-ORLEANS.

PRINTED BY J. A. NOBLE, HERALD OFFICE, 34, ST. CHARLES ST.

1844.

F 379  
N 5 B 25

My dear  
John



# THE ELLIOTT VOTES.

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THE recent election has given rise to much crimination and recrimination on the subject of these votes. As the question has not lost any of its interest, and as there is to be an election in November which will be more hotly contested than any that has passed, it is therefore necessary that the whole subject should be well understood.

To come at sound conclusions, it is necessary to understand the precise merits of the question. Judge Elliott was a Whig judge, appointed by a Whig governor and senate. He was corrupted by certain persons claiming to be authorised by the Clay Club, and by certain other persons claiming to be authorized by the Democratic Executive Committee, as appears by the appendix of the "Official Report of the High Court of Impeachment of the State of Louisiana, on the trial of Benjamin C. Elliott, Judge of the City Court of the City of Lafayette, begun and holden at the City of New-Orleans on the 23d of March, 1844."

The documents in the appendix appear to be all from Whigs, excepting the two receipts for \$100 each.

## APPENDIX.

### DOCUMENTS REFERRED TO IN THE TESTIMONY OF MESSRS. L. U. GAIENNIÉ AND E. LA SÈRE.

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Mr. Gaiennié will please naturalize Mr. Francis Nolté.

Signed,

H. T. VIENNE.

Also—John Redegald.

L. U. Gaiennié will please attend to the naturalization of the undersigned, and charge the same to C. C.

Signed,

JOHN C. MEZING.

William Quail,

Michael O. Boye,

James Galligan,

John Galligan,

Owen McNulty,

Michael Conlin,

James Keen.

Sept. 20th.—Clay Club Room,—Exchange Place.  
Christopher Sheltruirs, 2d Municipality ; Louis Lozinski, 1st do ; Ja-

cob Sanman, 2d do; James Madden 1st do; Joseph Sloffel, 1st do; Chas. Ritter, 1st do; Diedrich Herschbein, 3d do; Chas Kuhlman, 3d do; John William Sanman, 2d do:—

Mr. Gaiennié will please do the best he can for the above. I have critically examined them all, and find them in all respects eligible.

Yr's, (Signed,)

S. W. DALTON.

New-Orleans, Sept. 13th, 1843.

Mr. Gaiennié, You will please naturalize Stephen Bucklay, who lives in Tehoupitoulas street, and oblige yours,

Signed,

H. T. VIENNE.

From the Clay Club.

Mr. L. U. Gaiennié will please give Mr. Riley, an order to get naturalized, and oblige,

Signed,

H. T. VIENNE.

Sept. 22d, 1843. Judge Elliott, at Lafayette.

L. U. Gaiennié will please naturalize the bearer. Geor: Dumas, and James McAller, and charge the C. C.

Signed

JOHN C. MEZING, N. Com.

L. U. Gaiennié, will attend to the naturalization of Joseph Schilling, and charge the same to C. C.

Signed.

JOHN C. MEZING.

Diedrich H. Noelle.

L. U. Gaiennié, will please attend to the naturalization of Daniel McIntyre, and Patrick mith, and charge the same to C. C.

Signed,

JOHN C. MEZING.

Samuel McCaffry, to be naturalized.

Sept. 16th.

Signed,

S. W. DALTON.

Mr. Gaiennié, will please attend to the naturalizing of Mr. Peter J. Gildermeister, and Herman Lucas.

Y'r's,

Signed,

S. W. DALTON.

Mr. McNomara is eligible, in all respects, for naturalization.

Signed,

S. W. DALTON.

L. U. Gaiennié, will please attend to naturalizing of the bearers, John Coughlin and Daniel Sullivan, and charge the same to C. C.

Signed,

JOHN C. MEZING, Mem. Nat. Com.

Charles Gehert, from Saxon Weimar, Germany.

Mr. F. Mender, is eligible for becoming a citizen.

Signed,

S. W. DALTON.

**L. U. Gaiennié**, will please have these gentlemen naturalized, *immediately*, so as to *vote* for our friend **Gustave Cruzat**, next Saturday. They will pay for them. Don't neglect this,

Yours, Signed,

**H. T. VIENNE.**

**Mario Argurio**, ———, (null,) **P. F. Bains.**

Corrected by

**J. CHAS. GUENET,**  
Secretary C. C. Committee.

**L. U. Gaiennié**, will please assist **Frederick Teufel**, **Casper Broadbeck**, **Frederick Kreater**, and **Conrad Bleimann**, in procuring their naturalization papers. They have already made declaration of their intention to become citizens. They will pay you a part of the expenses.

Signed,

**B. RODRIGUEZ,**

Sept. 21, 1843.

Ex. Committee.

**Mr. Gaiennié**, You will please naturalize **Jean Baptiste Colbalk**. He wishes to vote for **Cruzat**. Attend to it, my friend.

Signed,

**H. T. VIENNE.**

New-Orleans, Sept. 16. 1843.

**L. U. Gaiennié**, will please attend to the undersigned, presented by **A. Sutherland**, and charge the same to the **Clay C. Executive Committee, C. C.** Signed, **JAS. CHAS. GUENET**, Secretary.

20th September, 1842.

**John C. Looker**, **Francisco Jalpe**, **William McCluney**.

The Secretary of the Executive Committee **Clay Club**, respectfully beg of **Mr. L. U. Gaiennié**, to do for **Mr. Claudius Moulard**, whatever is necessary of naturalization; he being a clergyman, sound to our principles, and willing to defray whatever moderate expenses there may be incurred for the same. **J. C. GUENET.**

At my request,

**H. T. VIENNE.**

**L. U. Gaiennié, Esq.** will please attend to **Mr. Shevelbern, (W.)** bearer and charge the same to **C. C.**

Ex. C. C. C.

**J. CHAS. GUENET.**

**Mr. Jefferson.**

**L. U. Gaiennié, Esq.** will please attend to **H'y. Octkever**, and **James Welbenger**, and charge the same to the **C. C.**

Executive C. C.

**J. CHAS. GUENET,** Secretary.

**L. U. Gaienné, Esq.** will please attend to **Arthur Dwiffy** and **James Lynch**, and charge the same to the **Clay Club**.

Executive Committee.

**CHAS. GUENET,** Secretary.

L. U. Gaiennié, Esq. will please attend to Mr. Jean Marquet, the bearer, and charge the same to the Clay Club. Executive Committee.

19th September, 1843.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq. will please attend to Mr. F. Johnston and Henry Ocker, and charge the same to the Clay Club. Executive Committee.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq. will please attend to Jacob Dreyfous, a tax payer already, and wishing to vote for our Recorder of the Ist. The same to the account of C. Club.

Executive Committee.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq. will please attend to Michael Welsh, the bearer, and charge the same to the Clay Club. Ex. C. C. C.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq. will please attend to Patrick Gaern, and charge the same to the Clay Club. Executive Committee.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq. will please attend to Daniel Fitzpatrick, and Patrick Philipp, bearers, and charge the same to the C. C.

Executive Committee.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq. will attend to the bearer, Mr. S. F. Stubenranche, and charge the same to the Clay Club. Executive Committee.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, will please attend to these names, and charge the same to the Clay Club.

C. C. Executive Committee.

J. CHAS. GUENET, Secretary.

John Cashell,

John Brownlee.

Wm. Goff.

Michael Kally,

John McVickle.

L. U. Gaiennié, Esq. will please attend to James Parker, and charge the same to C. C.

Executive Committee C. C.

J. CHAS. GUENET, Secretary.

I have known the bearer five years, and was employed by me in 1837.

D. WATERMAN.

L. U. Gaiennié, Esq., will please attend to T. Kernan, the bearer, and charge the same to the Clay Club. Executive Committee C. C.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, will please attend to Messrs. B. Barthé and George Kuntz, and charge the same to the Clay Club.

Executive Committee C. C.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, opposite St. Charles Hotel, (W. Kapal.)

L. U. Gaiennié, Esq., will please attend to Bernard McGuire, the bearer, and charge the same to C. C. Executive Committee C. C.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié Esq., will please attend to Wm. Clarey, B. Claney, Thomas McCarthy, and charge the same to C. C.

Executive Com. C. C. J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq. will attend to Ant. Vieurling, and Joseph Burge-man, bearers, and charge the same to C. C.

Ex. Com. C. C. J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq., will please attend to Juan Caréte, Joses Gomes, A. Fernandez, F. Morente, and Victorin Poncigh, and charge the same to the Clay Club. Ex. Committee C. C.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq., will please attend to John Moreigno, and charge the same to the Clay Club. Executive Committee C. C.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié Esq., will please attend to Stewart, bearer, and charge the same to the Clay Club. Executive Committee C. C.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié will please attend to Henry G. Wunch, bearer, and charge the same to the Clay Club. Executive Committee C. C.

J. CHAS GUENET, Secretary.

L. U. Gaiennié Esq., will please attend to Mr. James Boddy, bearer, and charge the same to the Clay Club: Executive Committee C. C.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq., will please attend to Chs. Gautshalk, and charge the same to the Clay Club. Executive Committee C. C.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié Esq., will please attend to Aaron Levy, and H. Levy, and charge the same to the C. C. Executive Committee C. C.

J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq., will please attend to the bearer, Jacob Harris, and charge the same to the Clay Club.

Executive Committee C. C. J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq., will please attend to James McDalmitt, the bearer, and charge the same to the Clay Club.

Executive Committee C. C. J. CHAS. GUENET, Secretary.



L. U. Gaiennié, Esq., will please attend to James Roach, the bearer, and charge the same to the Clay Club.

Executive Committee C. C. J. CHAS. GUENET, Secretary.

L. U. Gaiennié Esq. will please attend to Thomas Kelly, the bearer, and charge the same to the Clay Club.

Executive Committée C. C. J. CHAS. GUENET, Secretary.

Friend Gaiennie, You will please have this gentleman naturalized, who has been for the last thirteen years; he is a good whig, and will support you and Freret. Your friend, H. T. VIENNE.

Also for my friend Robert Lowe, who came to the country when eight years of age.

L. U. Gaiennié, Esq. will please attend to John Dolan, the bearer, and charge the same to the Clay Club.

J. CHAS GUENET., Secretary.

L. U. Gaiennié, Esq. will please attend to 10 or 12 names. Mr. Van Buren will hand him, and charge the same to the Clay Club.

Executive Committee, C. C. J. CHAS. GUENET, Secretary.

L. U. Gaiennié, Esq. will please attend to Messrs. W. Lynd, and Thomas Lilly, bearers, and charge the same to the Clay Club.

Executive Committee C. C. J. CHAS. GUENET, Secretary.

L. A. Bendixen,	C. H. Wenk,	S. Magnier,
L. A. Freebs,	Mathai,	M. Speger,
A. G. Mueller,	A. H. Kurmel.	

Mr. Gaiennie, will please naturalize the above named persons:

	BENJ. COHEN,	DAVIS,
Sept. 13, 1843.	JOSEPH NEWTON,	H. T. VIENNE.

L. U. Gaiennié, Esq. will please attend to Charles Gallagher and James Laffaty, the bearers, and charge the same to the Clay Club.

Executive Committee C. C. J. CHAS. GUENET, Secretary.

John Dolan,

L. U. Gaiennié, Esq. will please attend to the above, and charge the same to the Clay Club.

Ex. Com. C. C.

J. CHAS. GUENET, Secretary.

Mr. Gaiennie, Un Mr. Martin avec son fils reviennent de Lafayette, sans avoir été naturalisés, le Juge Elliott, exigeant de ces temoins, quand vous avez dit à Mr. Martin que cela n'était pas necessaire. Faut il dire aux personnes de se munir de leurs temoins.

Votre Serviteur,

CHAS. GUENET.

L. U. Gaiennié, will please attend to Mr. Carl Jekelius, and Matthews Weishemer, the bearer, and charge the same to the Clay Club.

Executive Committee C. C. J. CHAS. GUENET, Secretary.

Judge Elliott, will please let the bearers, W. Lind, Thomas Lilly, and William Regan, have their naturalization papers, for account of Clay Club. 20th Sept. 1843. L. U. GAIENNIE.

Judge Elliott, will please let the individuals whom Mr. Vanburen will name to him, have their naturalization papers, for account of Clay Club. September 18, 1843. His friend,

Signed,

L. U. GAIENNIE.

Pedro Verdaguíe	Pedro Ferres,	Valentine Meciercés
Armand Engladre,	José Marquez,	P. F. Bains.
Juan Hidalgo,	Frederick Berry,	J. Trescazes.
Juan Silva,	Andus Suis.	

Judge Elliott, will please let the bearers, A. Shumacher, Rudolph Schlotthe, John George, Frederick Leonnuker, Mr. Henry Kuhlman, and George Myers, have their naturalization papers, for account of C. C.

Signed, September 21, 1843. L. U. GAIENNIE.

Judge Elliott, will please let Mr. B. Vanostern, the bearer, have the naturalization papers of the men whose names he will give him, for account of Clay Club. Signed. L. U. GAIENNIE.

September 19th, 1843.

John B. Magi, Lorenzo Pereiras, Benebosa Carlo, Dominiqu Lociano, David Raggio, Louzi Gordon, Antano Gedolfo, Geanuts Thaliferro, Telepo Couri, Antonio Achardi, Geome Annijo, J. Anselmo.

Joseph Davis, (Portaguese,)	F. N. Tayaferro, (Italian,)
José Melendey, (Spanish,)	Bartholome Robira, (Spanish)
Pedro Ynson, (Spanish,)	James Monfa, (Spanish,)

by

Signed,

P. VAN BUREN.

New-Orleans, September the 21st, 1843.

Judge Elliott, will please naturalize Mr. McCarthy, and John Perry. New-Orleans, 19th September, 1843.

Signed,

ALF. ROUSSEAU.

Sec'y Clay Club.

L. U. Gaiennié, Esq., will please attend to Mr. John S. Arold, the bearer, and charge same to Clay Club. Executive Com'ttee.

Signed,

J. CHAS. GUENET, Sec'y

New-Orleans, Sept, 11, 1843.

Friend Gaiennié you will please naturalize the undersigned, to account of the Clay Club, and oblige yours.

Charles Mathon,	Leon Vial,	Octave DuBois,
Clement Duhamel,	F. Francez.	——— Abrahams,
Allan Sutherland.		

Signed,

H. T. VIENNE.

L. U. Gaiennié, Esq., will please attend to Robert Sutherland, cooper, and Wm. Sutherland, baker,—these two, besides the namesake of yesterday. Executive Committee Clay Club.

Signed, J. CHAS. GUENET, Sec'y.

[An order partly destroyed, and illegible.]

L. U. Gaiennié, Esq., will please attend to Christopher Wynn, bearer, and charge the same to the C. C. Executive Com'ttee C. C.

Signed, J. CHAS. GUENET, Sec'y.

Rec'd, Lafayette, 17 June, 1843, from E. La Sere, Esq., one hundred dollars, a | c. of citizens papers taken out in this Court.

\$100.	Signed.	B. C. ELLIOTT, Judge,
		For A. Phelps, Clerk

Re'd. Lafayette, 27 June, 1843, from Mr. Penot, a | c. of E. LaSere, one hundred dollars, on account nat. papers.

\$100.	Signed	B. C. ELLIOTT, for A. Phelps.
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The fruit of this iniquity like the effect of the Cab licenses, and Land Certificates, disappointed their authors; most of the new made voters after being faithful to their employers at the first election, yielded to those feelings which had induced them to flee from oppression and seek an asylum in this land of freedom, and voted the Democratic ticket. This enraged the Whigs; and the honest men of all parties, were indignant at the barefaced innovations on the purity of our elections.

Under these circumstances application was made by the Whigs to a Democratic Senate to impeach the Judge (Benjamin C. Elliott) and it promptly did so, as in duty bound.

In the course of the proceedings before the Legislature the Committee of the House of Representatives of which committee Randall Hunt Esq. a distinguished Whig member, was appointed Chairman, and to whom the subject had been referred; reported among other things (*as found in the Journal of the House of Representatives second session of the 16th Legislature, page 61*) that,



"The Committee have been strongly urged to express an opinion with respect to the FORM of the Certificates of naturalization issued from the City Court of Lafayette, and given in evidence before them."

"They do so readily: the Committee are unanimously of opinion that there is nothing objectionable in the form." "It is valid and sufficient in law."

This opinion is supported by the doctrine in *Campbell vs. Gordon and Wife*, 6 Cranch's R. 176; in *Stark vs. the Chesapeake Ins. Comp.* 7 Cranch's R. 420; in *Spratt vs. Spratt* 4 Peters R. 393; and by the opinion of Mr. Nelson U. S. Attorney General, who cites two decisions from So: Ca: directly in point, one in 1 McCord 187, the other McCall and Oliver.)

The proceedings before the Legislature and High Court of Impeachment show that complaint was made that seventeen hundred and forty-eight certificates had been fraudulently issued; of which, nineteen were impeached. All which nineteen are believed to have been sent by those, claiming to represent the Clay Club. The names of *ten* of them are to be found among those recommended by them, and the others appeared by other exhibitions on the trial, to be among those recommended in the lump, by the same persons.

In reference to these seventeen hundred and forty-eight certificates the Senate of Louisiana sitting as a High Court of Impeachment, in passing judgment on the 2nd Article of Impeachment, came to the following conclusion: as will be found on page 30 of the Official Journal of the High Court of Impeachment."

"The following, which was the second Article of Impeachment, was read, viz:

#### "ARTICLE SECOND.

"That the said Benjamin C. Elliott, Judge as aforesaid, reckless of truth and duty, and contrary to the sacred obligation of his oath, by which he stood bound faithfully and impartially to discharge all the duties imposed upon him, unlawfully and corruptly caused and permitted seventeen hundred and forty-eight certificates purporting to be certificates of naturalization, or judgments entered in legal form on the records of the said court, to be issued under the seal of the said court of the city of Lafayette, by Abner Phelps, the clerk thereof, from the 2d day of March, 1841, to the 4th day of January, 1844, in fraud of the naturalization laws of the United States, to the subversion of the policy of the United States, and to the great danger of the liberties of the people: he, the said Benjamin C. Elliott, Judge as aforesaid, well knowing the

said pretended certificates to be false, and that there was no minute or judgment entered on record in said court, to authorize or warrant the issue of said certificates.

"The yeas and nays were taken on the above article, and

"Messrs. Garcia, Armant, Bernard, Carter, Downs, Dupré, Livaudais, Morse, Slidell, and Sparrow, voted that he was guilty of the issuing of some of the said certificates as charged, but not of all.—10 yeas.

"And Messrs. Davidson, Lacoste, Ledoux, and Walker, voted that he was not guilty; because they believed that the question could not be divided.—4 nays."

In the final judgment of this High Court is to be found the following resolution in relation to these naturalization certificates: which is copied from page 29 of the same official report.

"The following resolution was read, viz:

"Resolved, That the Senate in giving their votes upon the articles of Impeachment in this case, are not to be considered as expressing, and do not intend to express, an opinion as to the right of the parties possessing certificates of naturalization, issued from Judge Elliott's Court, to enjoy and exercise the franchise of American citizens."

The yeas and nays were taken on the above resolution, and the result was, that—

Messrs. Bernard, Carter, Downs, Ledoux, Livaudais, Morse, Slidell, Sparrow, and Walker, voted in favor of its adoption,—9 yeas.

And Messrs. Garcia, Armant, Davidson, Dupré, and Lacoste, voted against its adoption.—5 nays.

The said resolution was consequently adopted."

As a matter of law it is a conceded point that these certificates are *prima facie* evidence of citizenship, and that the inspectors have not ordinarily, *any power* to enquire behind them; the Democratic inspectors at the recent election, anxious to reject all illegal votes, were willing to consider the impeachment of Elliott, and the nineteen certificates by the Senate, *a justifiable cause* to enquire behind the certificates: or, that the ballots should be marked, and their contents sent up to some higher tribunal, there to be passed on, as in Louisiana, in place of having a court of chancery, *all* the judges have equity power. If there was any error committed by the Democratic inspectors, it was in offering to have tested the validity of these certificates. Reasonable and proper as this was, the whigs pledged themselves before the election to resist it, and insisted on disfranchising all persons holding Elliott certificates, although some of them had been granted years before the judge had been corrupted;

a judge of their own political faith until about the time of its suiting their convenience to complain of him, and then his political fidelity to that cause was questioned. And here they seem to go counter to the ordinary rule, by professing not to like the traitor or the treason. See the remarks of the editor of the New-Orleans Bee, of Tuesday, 2d July, 1844, in which he says; "*The Whig judges of the election, WITHOUT EXCEPTION, determined to REJECT THE VOTES predicated upon the fraudulent NATURALIZATION tickets, issued by Judge Elliott, who was impeached and turned out of office for his corruption in making them.*"

Also, see the conduct of all the Whig inspectors at the recent election, and particularly the process verbal of the election in the First Ward, Second Municipality, in which the Whig inspector insisted, *that all persons holding Elliott certificates of naturalization should be rejected*, and he would not listen to any testimony beyond the fact, that they held such certificates.

The folly and injustice of refusing to enquire into the validity of the Elliott votes offered at the poll of the First Ward, Second Municipality, is sufficiently indicated by the fact, *that but five were offered*: one of which, was for the full Whig ticket, and of the other four, one, if not two, might have been rejected; so that the count would not have varied the result at most, more than three, and probably not so many.

Let an impartial public decide whether or not it was reasonable, proper, or just to prejudge the cause, to decree against the rights and interests of any person not before the court, who had not been even cited to appear, or in any way been made a party to the proceedings against Judge Elliott.

A criminal who has been indicted by a Grand Jury and convicted by his peers consisting of his neighbors, cannot be sentenced until he has been brought into Court, and called upon to say why the law should not take its course, and the sentence of the Court be passed upon him.

That a portion of the Elliott votes are fraudulent, and should have been rejected, no one will pretend to dispute; and the very first one offered at the recent election at the First Ward of the Second Municipality would, had the question been open for enquiry, have been promptly rejected by Mr. Barker if the applicant had not established, to his satisfaction, his arrival into the United States, to have been *before he was eighteen years of age*,—as his "declaration" *was not made two years* before the certificate of naturalization was issued; but the previous question, "was the applicant naturalized by Judge Elliott?" being the only enquiry tolerated by Mr. Freret, and that being answered in the affirmative, the

vote was by him rejected without further investigation. Under the compromise, the papers were put in for the purpose of carrying up the whole question, and these papers established the propriety of an examination by the inspectors before rejection, as well as before receiving the vote. To say that this apparent defect, *of want of a declaration in due time*, justifies a rejection without enquiry, would be saying to every person convicted of an offence that he should have been punished without a trial. This doctrine is too monstrous to be commented upon; far better would it be to return to that despotism where the king's will, and not the testimony in the case, is the standard by which the judges pronounce guilty or innocent, or, where the mockery of a trial is dispensed with, and the male or female who dares to thwart the view of the ruling dynasty is taken from his or her bed at midnight, and not permitted to see the dawn of another day.

In the case in question, the apparent defect could, in all probability, have been satisfactorily explained. The man had resided in New-Orleans nearly *fourteen* years, and from his appearance was not over thirty years of age: this would have brought him here before he was eighteen years of age, in which case the declaration whenever made, was sufficient.

Another of the five persons who offered us an Elliott certificate at the same poll, and voted the whole Whig ticket, also arrived in the United States before he was eighteen years of age, which of course coming under the provision of the law which requires the declaration to be made at the time such minor is admitted to citizenship, (if it had not been previously made) he was already entitled to a vote—YET, he would have been disfranchised but for the compromise between the inspectors, for the single reason, *that his certificate of naturalization came from Judge Elliott*.

It is urged against the Democratic inspectors, that they should not have rejected GOOD VOTES, because some were offered *that were questionable*.

This has been so often characterized as a fault, and so often refuted, that it is scarcely worth while to say any thing more on the subject. So far as the inspectors of the First Ward, Second Municipality, are concerned, no good votes were rejected.

It having been established that the Whig inspectors had determined to pre-judge the case, and not give the applicants holding Elliott certificates of naturalization a fair trial, or even any trial at all, but to cut off their political heads without trial or notice, Mr. Barker wished to wash his

hands clear of all participation therein, as evidenced by his letter to Judge Maurian, which was in words following :

“NEW-ORLEANS, 1ST JULY, 1844.

“*Hon. Charles Maurian, Judge of the Parish Court.*

“Dear Sir,

“Unable to have the election conducted according to the requirements of law, I wish your advice in the matter, and have therefore to ask as a personal favor, your immediate attendance at the Poll of the First Ward, Second Municipality, at the St. Charles Hotel, that another may be appointed in my place, in case your explanation of the law should not so enlighten the inspectors, as to induce them to harmonize on the proper course to be pursued.

“With great respect,

“I am, dear sir,

“Your obedient servant,

“JACOB BARKER.”

Judge Maurian, although a gentleman of great merit, and whose political faith corresponds with that of the Whigs, could not be found in season to prevent some little delay, and when he did receive the letter, he would not interfere. Thus circumstanced, Mr. Barker refused to go on until an arrangement could be made to send the whole matter up, as in cases of a disagreement between the judges of the U. S. Circuit Court; this was accomplished after a few minutes delay and the election went on thereafter harmoniously to the satisfaction of all parties. All our other courts are so constituted that a disagreement cannot take place except in the absence of one, or some of the judges, when the case so far from being rejected, is held over for a full bench. Why then require a different course of conduct of the inspectors of an election?

Those who object to the suspension of an election on the indiscriminate rejection of the Elliott votes, should remember that the ballot box is a mere divisor by which political power is apportioned by the same rule of even handed justice as if the subject matter to be divided, was money, ships, merchandize, or lands.

The moment one good vote is rejected, or one bad one received, the proper ratio of all that had been received is lost, and every vote that should thereafter be put into the ballot box would change the proportions to be awarded to each, not by restoring a just standard of measurement, but by establishing a new and unjust rule of division, or distribution of



power : hence the necessity for all just judges to pause, and not advance one step in the course of injustice ; if great injury should be the result it would be the defect of the laws in not providing a remedy, but not any excuse for the judges to usurp the power of choosing (if you please) the lesser evil : they cannot permit the slightest wrong without violating their oaths.

The law ordains that where there is a doubt as to the construction of a contract, the doubt shall be taken most strongly against the grantor, in favor of him claiming under the grant ; and with regard to the existence of a doubt as to the exercise of a right of liberty or franchise by a citizen, how immeasurably stronger is the position that the doubt must weigh in favor of its exercise by the citizen !

The Honorable John McKinley, one of the Judges of the Supreme Court of the U. S.; A. M. Buchanan, Judge of the District Court, Charles Maurian, Judge of the Parish Court ; and Isaac T. Preston, Attorney General of Louisiana, have often expressed a decided opinion that the Elliott certificates were *prima facie evidence of citizenship*, to sustain which, we have even stronger testimony, the Honorable John Nelson, Attorney General of the United States, as also the Supreme Courts of the United States and of the State of South Carolina, *have decided, that certificates in due form* from a competent tribunal, were conclusive evidences of citizenship until impeached.

In the contest between Messrs. Slidell and Roselius, some few months since, for the seat in the State Senate vacated by the death of the Hon. A. Hoa, and which resulted in the return of Mr. Slidell, it was contended that Mr. Slidell was not entitled to the seat, upon the ground that he had received a sufficient number of "Elliott votes" to cause his return, and they were illegal, fraudulent and void ; and the return was accordingly contested. But after a reference of the subject to the Committee on Elections, it seems that the *contestants* dropped their proceeding, and Mr. Slidell was unanimously reported as legally elected.

The Hon. Judge Buchanan of the First District Court had, but a few days before the election, compelled a person who held one of these certificates, and who had been refused the right of voting in the late municipal elections, *to serve as a juror in his court*, upon the ground that his certificate was complete evidence of the fact of his naturalization.

Chief Justice Marshall upon the question, says, "The various acts upon the subject, (*Naturalization*) submit the decision on the right of aliens to admission as citizens, *to Courts of Record*. They are to receive testimony, to compare it with the law, and to judge on both law and fact.

The judgment is entered on record as the judgment of the Court. It seems to us, *if it be in legal form*, **TO CLOSE ALL INQUIRY**; and like every other judgment to be complete evidence of its own validity."

Mr. Coxe, one of the counsel who argued the case involving the decision of the effect of a certificate, makes these remarks: "There is great danger in considering these certificates as conclusive, from the number of Courts who are authorized under law to issue them. If those who are to issue them may omit any of these requisites, they may omit all. Persons who have never been in the United States may obtain them. Persons may procure them immediately on their arrival here."

Chief Justice Marshall, in the opinion of the Court, notices this argument. He says: "The inconvenience which might arise from this principle has been pressed upon the Court. But the inconvenience might be still greater if the opposite opinion be established," and puts a strong case, that of an alien acquiring and disposing of property on the faith of the certificate whether it could be impeached, and the estate divested. See 4 Peters, S. S. R. 393.

Additional evidence in support of the right of persons to exercise the privileges of citizenship who hold certificates once issued by a competent Court of Record is furnished in the following case—as reported in 6. Cranch's Reports of the decisions of the Supreme Court of the United States—pages 176 to 183. This was an appeal from a decree of the Circuit Court for the District of Virginia, in the case of *Campbell vs. Gordon and Wife*, dismissing the bill of the complainant.

Judge Washington, in delivering the opinion of the Court, among other things, says: "The object of the bill was to rescind a contract made between the appellant and Robert Gordon, the appellee, for the sale of a tract of land by the latter to the former, upon the ground of a defect of title. The facts in the case, which are not disputed, appear to be as follows: The land which forms the subject of dispute belonged to James Currie, a citizen of Virginia, who died seized thereof in fee, on the 23d of April, 1807, intestate and without issue. James Currie had one brother of the whole blood, named William, who, prior to the 14th day of October, in the year 1795, was a subject of the King of Great Britain, but who emigrated to the United States on the day last mentioned, at a District Court held at Suffolk, in Virginia, took the oath prescribed by the Act of Congress, for entitling himself to the rights and privileges of a citizen. At the time when this oath was taken, William Currie had one daughter, Janetta, the wife of the appellee, who was born in Scotland. She came to the United States in October, 1797, whilst an infant, during the life of the father, and hath ever since continued to reside in

the State of Virginia. William Currie died prior to the 23d April, 1807.

The Counsel for the Appellant (Campbell,) contended, among other matters, that William Currie *was not duly naturalized*, inasmuch as the minutes of the Court did not set forth **THAT ALL** the requisitions of the Acts of Congress had been complied with; and *that his certificate of naturalization was defective*, because it only showed that he appeared "in open court in order to entitle himself to the rights and privileges of a citizen, made oath," &c., *and did not express upon its face THAT HE WAS ADMITTED a citizen*—or, that the Court was satisfied of his moral character, &c., during the time he had resided in the United States prior to his admission.

Judge Washington then goes on with the opinion of the Court, and says—"It is true, that this requisite to his admission is not stated in the certificate; but it is the opinion of this Court, that the Court of Suffolk must have been satisfied as to the character of the applicant, or otherwise a certificate, that the oath prescribed by law had been taken, would not have been granted."

"It is unnecessary to decide whether, in the order of time, this satisfaction, as to the character of the applicant, must be first given, or whether it may not be required after the oath is administered; and, if not then given, whether a certificate of naturalization may not be withheld. But if the oath be administered, and nothing appears to the contrary, it must be presumed that the Court, before whom the oath was taken, was satisfied as to the character of the applicant. **THE OATH, when taken, confers upon him the rights of a citizen, and amounts to a judgment of the Court for his admission to those rights.** It is, therefore, the unanimous opinion of the Court that William Currie was duly naturalized."

**THE LAW** thus expounded was to be trampled under foot, and the leaders of the Whig party of New-Orleans confederate *to deny all enquiry* as to the validity of the Elliott certificates, **AND THREATEN TO EXCLUDE THEM BY FORCE, by the shedding of human blood,—by throwing their fellow-citizens in the river, &c., &c.—at the same time PROFESSING to be the FRIENDS OF LAW AND ORDER!**

In coming to such a conclusion these men should consider which party has the most to lose, by such a conflict; that as to numbers, the two parties are about equal—that the Democratic party, more accustomed to labor, could sustain the severe exercise of a regular set-to much longer than those accustomed to pass much of their time in adjusting their toilet, and that it is more easy to raise, than to repress a riot. However, the public have nothing to fear on this head—the Democratic party, content with their



reputation for prowess, *have no appetite for BLOOD, or for the river*, and will combat their opponents firmly, yet with kindness, with sound argument and logical conclusions, relying on the institutions of their country to sustain their legal rights, however much individual members may fall back on their inherent rights of repelling aggression, and of chastising the aggressor.

And because the Democratic Inspectors refused to carry out the usurpations of these men, they are endeavoring to overwhelm some of them with criminal and civil prosecutions : accusing such Inspectors of having in the most reckless manner, *DISFRANCHISED native born citizens*.

I did not as a party man accept the office conferred on me by a Whig judge, but to do justice to all alike, whether Whigs or Democrats.

I was born a Democrat, and expect to die one : and when the country required my services, the whole people of the United States know full well that I was not backward in displaying my zeal in her cause. Mr. Clay was once the idol of that party—I wish he was so now. If he were, and should be elected, it would delight me as much now, as when I was younger, to throw up my hat and shout the cry “we have beat, we have beat.” It is not Mr. Clay *we fear*, it is those men who, we apprehend, will of necessity sway his councils if he be elected, as in all governments the power behind the throne is greater than the throne itself. That magic word *WE*—not they, you, or I,—have beat, is peculiarly fascinating in political strife : the joy at the announcement of victory is greatly heightened by the assemblage of thousands to share therein when it is proclaimed.

With Mr. Clay, I say if a majority of the people are in favor of a national bank, let there be one established, but not otherwise ; and I may add, if a majority of persons entitled to vote are in favor of electing him to the presidency on a fair issue, let him be elected ; but not on a false issue.

The Whigs charge the Democrats with having stolen from them the “one term presidential principle,” and are constantly reiterating the charge. They are in error, for in 1825, the Democrats held a public meeting in the Twelfth ward of the city of New-York, where it was

*Resolved, That the Constitution required such an alteration as would render all persons elected to the Presidency ineligible to fill that office a SECOND TERM.*

At the same meeting the Hero of New-Orleans was nominated for the Presidency, to succeed John Quincy Adams, and this was the first nomination of General Jackson after the election of Mr. Adams ; and at the same meeting the Hon. Ambrose Spencer, (who threw his great talents,

zeal and energy of character in the support of the glorious war of 1812) was nominated as the Democratic candidate for the Vice Presidency; at that meeting the writer officiated as Chairman, and Mr, Henry Stoutenberg, a blacksmith, officiated as Secretary.

Mr. Clay, if elected, will make a good president, at all events, there are so many checks and balances that no great evil could result if a president should be elected who did not correspond in opinion with the people; their immediate representatives in Congress holding the helm, would keep the ship steady.

When the war of 1812 was over, I perceived very many men who had been *vanquished* from the political field, at great labor and expense, preferred for places of profit and honor to those of more virtue, intellect and fitness for the stations; men who had been martyrs in the good cause, although not perhaps so great a proportion as Mr. Clay intimates in his great speech on the 13th April last, at Raleigh, N. C. This, together with the necessity I was under to confine myself to business for the support of my family, induced me, except on great occasions, to refrain from intermeddling with party politics, until the Native American Party sprung up in the city of New-York; The church burnings and murders in Philadelphia; the apparent disposition of the fanatics in the North, urged by Great Britain, to interfere with the institutions of the South; and the opposition to the annexation of Texas, induced me again to take some part in public affairs—which I find very difficult to do, without interfering with the political views of some of the leading men who supported their country in the hour of its utmost need, and as became statesmen and patriots—as did Mr. Clay, Van Buren, and Calhoun, against whom I can never be induced to think or say aught.

Mr. Clay's speech, at Raleigh corresponds in its important features with the opinions uniformly expressed by me, and from which I do not depart to please or to oppose any party. If the opinions of any individual are sound, it is far better for a party to adopt them than for him to yield those opinions, to error.

I conceive that the framers of the Constitution, when they prohibited States from issuing letters of credit, and gave to Congress the exclusive right of coining money, and regulating commerce, intended to prohibit the States from granting incorporations with power of issuing bank notes. Be that as it may, experience has proved that State banks, spread all over the nation, usurping the power of issuing paper without redeeming, or *the ability* to redeem such paper, are very prejudicial to the public good, and that we should, at every cost get clear of them. Aware of this feeling, those interested set up the cry against

the United States Bank, which, aided by the arrogance of Mr. Bid-  
dle in attempting to dictate terms for its renewal, applying the money  
power to political purposes, finally overthrew the U. S. Bank. Mr.  
Van Buren perceiving the trick, and that these men were not in  
reality hostile to a National Bank; and that they opposed it for the  
double purpose of leading off public indignation from their own wrongs,  
(as the lightning rods lead off the electric fluid) and for the purpose  
of getting hold of the public treasury,—recommended the Sub-Trea-  
sury and Specie Circular, in my opinion, in the absence of a National  
Bank, two of the wisest and best measures ever adopted, by any govern-  
ment, notwithstanding Mr. Clay's opinion to the contrary. These  
measures separated the money of the nation from the local banks, and  
left them to fall back on their own resources and die from their own in-  
firmities, as most of them have done, and as others would have done  
had they not again got hold of the public money by the repeal of the  
sub-treasury and specie circular laws. Thus circumstanced, these state  
banks determined to break down Van Buren, and with him the sub-  
treasury and specie circulars. To effect which they become the furious  
advocates of a national Bank, by which means they succeeded.

Mr. Clay not suspecting their designs, as soon as the Harrison Con-  
gress met, advocated the repeal of the sub-treasury, and the establish-  
ment of a National Bank, by two separate bills. Knowing the designs  
of these men, I addressed a letter to Mr. Clay, and another to our im-  
mediate representative the Hon. Edward D. White, informing them that  
to get a bank charter it would be necessary to withhold the repeal of  
the sub-treasury until the bank bill had passed, or to put a clause in the  
bill for the establishment of the Bank repealing that law; otherwise no  
bank could be chartered,—that the repeal would of necessity place the  
public money back into the state banks, and that these money changers  
would not allow it to pass from them again, by the establishment of a  
National Bank; that they knew how to defeat the bill, *that it would be  
done*. Mr. Clay did not perceive the force of this suggestion, and Con-  
gress went on to repeal the sub-treasury. Immediately after which the  
bank bill was defeated; and now judging from his Raleigh speech, he  
has become thoroughly convinced that the money power is at work against  
the establishment of a national bank, for he says:

“Where, exclusive of those who oppose the establishment of a bank  
of the United States upon constitutional grounds do we find the greatest  
opposition to it? You are, fellow citizens, perhaps not possessed of in-  
formation which I happen to have acquired. The great opposition to a  
Bank of the United States will be found to arise out of a foreign influ-

ence, and may be traced to the bankers and brokers of Wall street in New York, who are wielding a foreign capital. "Foreign powers and foreign capitalists see with satisfaction whatever retards the growth, checks the prosperity, or arrests the progress of this country. Those who wield that foreign capital find, from experience, that they can employ it to the best advantage in a disordered state of the currency, and when exchanges are fluctuating and irregular."

I think if Mr. Clay should be elected, he will find these men too powerful for him, unless some of the Democratic members support a bill for the establishment of a National Bank. If I were in Congress I would vote to establish a National Bank at Washington under the supervision of Congress, with branches in such states as would consent, although it would greatly injure the particular business in which I am engaged. Had Congress passed a bill establishing a national bank at Washington with branches in consenting states with suitable restrictions, the Democracy would have preserved its preponderance, and Mr. Van Buren would have been re-elected by acclamation. He chose to be a martyr to a mistaken notion of his country's good: so far as he was concerned, he had a right to make this sacrifice and deserves all praise for his disinterestedness. But I cannot believe in the policy of throwing away the preponderance of the party which had been won after a fight of some twenty years, and preserved at the expense of vast untiring labor for the purpose of carrying out an imaginary principle, that of the constitutionality of a bank which I consider visionary.

But this was done without any selfish motive, and with a full knowledge that it might lose him every thing, and could not by possibility gain him any thing, other than the lasting reputation of having acted a conscientious and disinterested part.

I say, if in Congress, I should vote for a bank, I should do this from a conviction that the public good requires that the public Treasury should be separated from the local banks, and that we cannot get clear of the local banks in any other way than by the establishment of a national bank; and further, it is my opinion that bank facilities cannot be dispensed with altogether, without occasioning greater evil than that to be remedied by their total disuse.

As for the regulation of the currency, Banks are useless as the experience of the last few years have abundantly proven. Specie is the best and only proper regulator—leave that, and your ship is afloat on troubled sea, without rudder or compass.

The Principal advantage to be anticipated from a National Bank, in addition to conducting the finances of the Nation, is, that it will, from its



stock, deposits and circulation, furnish a capital of two hundred millions of dollars to be incorporated with the industry, enterprize and intelligence of the community, and used in every part of the nation, as a mechanic uses his tools to make his labor productive. If the advocates of a National Bank will first return to the Sub-Treasury, or adopt some other system of finance which will remove the money of the nation from the local banks, and prevent all further collections from passing into their hands, from being invested in Bank Notes, but paid out in specie, pursuant to appropriations by Congress—a National Bank charter may be granted. Until then, I have no expectation of seeing such an establishment.

As to the Tariff, if I understand Mr. Clay's Raleigh speech, his former opinions about a protective Tariff are modified by a change in the condition of the Country, and growth of our manufacturing establishments, down to a discriminating Tariff—no more than sufficient to conduct the Government in the most economical manner, and to bring and keep the Nation out of debt. This is what I have always contended for, and is the true Democratic creed. I disapprove of the compromise act as much as I do a protective Tariff. Most people consume tea, coffee and sugar: the quota applicable to the three, is now as it should be—derived from sugar alone which protects the sugar-planter without imposing any burthen on the consumer. The duty is not any higher than it was formerly imposed for revenue; and all know that the importation of tea and coffee, free of duty, does not interfere with any branch of domestic industry. In the attempts made by the last Congress to remodel the Tariff; which it is admitted will produce too much money for the proper administration of the Government during peace—the Representatives from Louisiana were particularly zealous and successful in establishing this principle. Mr. Labranche, who was on the committee, was eminently successful in getting the anti-Tariff members to agree to 2 cents in place of  $\frac{3}{4}$  of one cent, to which it would have been subject had we been brought back to the compromise act; and yet the sugar planters were, by false representations, made to believe that he was opposed to the sugar duty. While under this delussion his election came on, and the planters cast their votes for another, who will find it very difficult to prevent a greater reduction than had been as a matter of compromise agreed on in the Congressional Committee—time will test this matter.

Mr Clay in his speech dwells at some length on the distribution of the public lands—such parts as cannot be sold for cultivation should be allowed to remain quietly forever as the public domain; but as that cannot be hoped for, the sooner this bone of contention is disposed of the better;

the Western States are populating so fast, that they will soon be strong enough to take the whole. It is therefore better for the old States to divide now, while they can get a fair proportion, than to leave the matter open under such circumstances.

Mr. Clay also refers to Coons, Log Cabins, Hard Cider, and Hickory poles, denominating them political jokes. It would have been better for that distinguished personage to have left those matters to the songsters and porter-house declaimers. He also, in his great Raleigh speech, pays a merited compliment to the *fair sex*; the only objection to this is, that he did not say half enough in their praise; for they do now, and always have, and always will, rule their lords;—and if Mr. Clay should be elected President, he will owe it in a fair degree to their persuasive powers.

Mr. Clay has made known his opinion on the annexation of Texas. A great majority of the South are believed to differ with him in relation thereto, while as great a portion of the North correspond with him in the opinions he has expressed in relation to Texas. The annexation of Texas, being considered by the South important to secure the safety of our institutions, guarding them against the infatuation which pervades Europe, and a small portion of the North on the subject of slavery; and also important in securing to the Northern manufactures and ship owners a sale of their domestic fabrics, and the carrying trade, will be likely to have an important bearing on the presidential election.

In support of this opinion the Chancellor of the Exchequer of England, in announcing the principle that has been determined on by that Government for the regulation of the sugar duties, declared **THE REGRET** of the ministry that it was **NOT YET** in their power to establish the same rule, in relation to free, and slave grown cotton; and by the parliamentary debates received by the last advices from England, it will be seen that Parliament has adopted this discriminating duty on sugar, in favor of that made in non-slave-holding countries.

There is, however, another question of far more vital importance to civil liberty than the Bank, Tariff, Distribution, or the Texas question, which is, that our doors be kept wide open to the admission of those who may fly from the oppression of foreign governments.

We must teach our children, as our fathers taught us, to consider this “the land of the free, and the home of the brave.”

The late alarming organization of Native American Societies, the selfish and unjust sentiments they promulgate, and the lawless acts of violence perpetrated by these men, *should induce every citizen in the United States, whether he be Whig or Democrat, to lift up his voice AGAINST ALL SUCH DISTINCTIONS.* They should withhold their political support

from all those who sow the seeds of discontent: should meet their hostile proceedings firmly, yet mildly, and with a return of kindness, "doing good for evil," subduing their angry passions by killing them with kindness; follow the example of that pure patriot, THOMAS ADDIS EMMETT, against whom the black coats combined very soon after he landed on our shores, and while he held fast on his political integrity, he pursued such a course of amiability and generosity towards his persecutors, that his capacity to sustain their legal rights in Court, his great learning, his eloquence, and many virtues, soon won his way to their hearts—their roast beef—their turtle soups, and Madeira wine; BUT, *at the same time withhold from the advocates of mob-law, as well as from those who endeavor to make any other distinction among citizens than that which arises from intelligence and virtue,—ALL POLITICAL SUPPORT*, and in no case add to their political power UNTIL THEY SHALL LEARN TO RESPECT THE LEGAL RIGHTS OF NATURALIZED CITIZENS, and yield to those who may yet flee from the tyrant's grasp, the requirements of humanity and benevolence.

And while the adopted citizens should resist with their votes all attempts at exclusion or proscription, they should be slow to accept office; and by abstaining from seeking for themselves places of distinction, allay as much as possible all cause of jealousy, thus augmenting their power of deciding between rival candidates among Natives. Offices are not worth having—the incumbents are slaves, liable to be turned out whenever it shall suit the caprice of the appointing power, or whenever they cease to administer to the appetites of those of the party whose influence elevated them to place; and further, all experience tells us, that when office holders leave their places they are more dependant, and less capable of supporting themselves and their families than they were when they took office.

All attempts to exercise the elective franchise without being qualified, should be punished in the most exemplary manner; while every attempt to deprive those who are duly qualified, from the exercise of their lawful rights, should be resisted by all—both Whigs and Democrats.

Every effort should be made by all good citizens to induce those who hold the Elliott certificates to provide themselves with certificates from other courts, BEFORE THE NOVEMBER ELECTION, wherever THE PROOF of the "*timely declaration*," and *five years residence*, shall be in this State. This will reduce the Elliott votes to so small a number that they can be investigated at the polls, without retarding the election.

It has been urged by the Whig press, and in general conversation, that all those who hold *valid* Elliott certificates can have them renewed with-




out trouble or expense, by applying to either of the three judges who have so generously advertised to aid in the good cause; and if any should not have them renewed, they ought to lose their votes. The fallacy of this proposition will be seen by looking at the case of HENRY CORTJOHN, who was one of the five who offered to vote in the First Ward, Second Municipality, at the recent election.

Determined not to have his vote again questioned, he resolved to apply to one of the three judges, and was told that evidence of a declaration of his intentions to become a citizen must be established to have been two years prior. This evidence was filed in the City Court of Lafayette at the time he obtained his naturalization papers—he accordingly repaired to that city to reclaim the document, he was told *that the judge who retained it was out of office*, and that the document *could not be found*. Not satisfied with being thus repulsed, he made a second journey to Lafayette, when, after a diligent search the document was found, and established that necessary declaration, which was made before the Circuit-Court, at Mobile, on the 5th December, 1840, and is in words and figures following:

“The State of Alabama,        }  
    Mobile County.                }   Circuit Court—Fall Term, 1840.

“Before the Honorable William Hale, Judge of the said Circuit Court, the same being a Court of Record, having a common seal, and exercising law and equity jurisdiction in and for the county aforesaid.”

“Be it remembered that at a term of the said Circuit Court begun and held in the City of Mobile, for the County and State aforesaid, on the first Monday after the fourth Monday of October, A. D. 1840, personally appeared in open Court, on the second day of November, in the year of our Lord one thousand eight hundred and forty, one Henry Cortjohn who upon his solemn oath did depose and say that he is a native of Germany, now residing in the County of Mobile, that he has been in the United States five and a half years, is aged twenty-five years, or thereabouts, and that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign Prince, Potentate, or Sovereignty whatever, and particularly to the King of Hanover.”




 “In testimony whereof I have hereunto set my hand and affixed the seal of said Court, at Mobile, the fifth day of December, in the year of our Lord one thousand eight hundred and forty.

(Signed,)



M. J. McRAE, Clerk Circuit Court.



"The State of Louisiana.

City Court of the City of Lafayette.

I, William A. High, Clerk of the City Court of the City of Lafayette, do hereby certify that the foregoing is a true copy of declaration of Henry Cortjohn, made in Mobile County, State of Alabama, and filed in this Court."



 "In witness whereof I have hereunto set my hand and af-  
 fixed the seal of said Court this 16th day of July, 1844.  
 (Signed,) W. A. HIGH,  
 Clerk.

This document the Court refused to give up, and furnished an exemplified copy thereof under its seal, at the expense of one dollar to the poor man. He then employed counsel to assist him, who applied to the Parish Court, where the papers were rejected on the ground that Mr. Cortjohn must procure the *original evidence* of declaration, and that the Lafayette Court had not any authority to furnish an exemplified copy. The next step was for Mr. Cortjohn to send, or go again to Lafayette, and endeavor to induce that Court to restore to him this evidence of *timely declaration*. In effecting this, his own exertions having proved unavailing, he employed a friend whose general knowledge and position was more likely to succeed. That friend went to Lafayette, had an interview with Mr. High, the clerk, who readily shewed him the original document, but stated that he had no authority to allow it to be withdrawn from the Court without the approval of Judge Carrigan, who was temporarily absent. Should Mr. Cortjohn ultimately succeed in obtaining the restoration of this document, he will, before he can get this certificate renewed, have to find two American citizens who have known him to be a resident of the United States for five years, of good moral character, and attached to the institutions of the country; and however true all this may be, Mr. Cortjohn may not be able to find *two such witnesses*, as, in a climate like ours, subject to yellow fever, the population from other states, where he has resided a part of his time, undergoes very material changes in that length of time; hence it is not so easy a matter to get NEW CERTIFICATES of naturalization as many would, at first blush suppose; and a great hardship to require it of those who have already furnished such evidence, and have procured a valid certificate of naturalization. Yet this should not deter any from making the effort.

Since writing the preceding, further application has been made to withdraw certificates of declaration of intention, &c. to become citizens—and with what effect will appear by the following motion and certificate of the now presiding Judge.

“To the Honorable John N. Carrigan, Judge of the City Court of the City of Lafayette.

“Jacob Barker, counsel of the undersigned, being instructed by Judge Maurian of the Parish Court of Orleans, that the original papers as designated, are necessary to be used in the said several cases—makes application to the judge of said City Court for the original declarations of intention &c. filed in said court by the undermentioned persons, on their being admitted to the rights of citizenship by B. C. Elliott, late judge of said Court” viz :

Edward White,  
John Clarkson,  
Charles W. Bardels,  
James Murphy,

Thomas Kelly,  
Henry Cortjohn  
Henry Ocker,  
Patrick Cowan,

John Molumby.”

The following reply was received ;

The undersigned, believing certified copies of said papers all that the law requires, cannot send up the originals without a special order of the Superior Appellate Court.

“Signed.

JOHN N. CARRIGAN, Judge.

When contemplating the difficulties of getting an Elliott certificate renewed, the reader should not forget the confederacy to deprive all those holding certificates of naturalization from the City Court of Lafayette of the right to vote, and this too without trial,—without proof,—and without enquiry, although many of them were naturalized *years before* the aforesaid corruption took place.

It should be remembered that foreigners by birth fill the ranks of our army, and man our ships, and that in case of war they would form a material reliance ; that they perform the greatest portion of the labor of the nation, that it is they who have dug our canals—constructed our railroads—built our cities—and cleared and now cultivate our lands; travel through the whole Western Country and see of whom the laborers are composed; *they literally* are the “hewers of wood and drawers of water,” for the natives; and, is the small boon of naturalization after a residence of five years too much for such manifold advantages? Those persons come here to pass their lives, intermarry with natives, intending to use among us the fruits of their labor, and for their bones to bleach the same fields with those of the natives, and not like birds of passage flee to the land of their nativity with all their substance as soon as they have acquired enough to make them comfortable. Northerners who come here with that view should be slow to complain; how much more reason have the Creoles to complain of their innovations on their business—their

religion—and their customs ;—more dissimilar in language, complexion and habits, than the foreigners and natives of the original states, who are not slow to accept of offices of profit and honor, although some of them are afraid to ally themselves to, and become part and parcel of Louisiana, by remaining here in defiance of *Yellow Jack*.

This feeling against intruders was, at the last election, turned against the Second Municipality with tremendous effect. How do these men like the proscription which was then practised by the Creoles—not a native of either party elected from the Second Municipality to the Legislature, Convention, or Congress.

If foreigners generally, on their arriving in the United States had embraced the political and religious faith of the Whigs, we should not have heard any thing of “Native American Societies,” or of church burnings.

The period was originally two years’ residence before naturalization ; it was extended in 1795 to five years, and in the “reign of terror” during the existence of the alien and sedition law, 1798, the elder Adams then President, it was further extended to fourteen years. On the character of these laws the election of Jefferson was placed when the democracy of the land nobly triumphed and swept away the alien and sedition laws, and in 1802 under their first administration, Jefferson being President, they reduced the period to five years, which was the longest period under the great and good Washington, and where it has ever since remained ; and will the sons of those brave warriors who won that noble victory in favor of civil liberty, disturb the ashes of their worthy sires by proving reckless to their principles, recorded in Heaven. Let this never be said of an American born. Very many honest Whigs are deceived by their leaders ; those who believe that there is any sincerity in the cry set up against foreigners, are mistaken, it is among other things a cunning device of bigots to enlist unsuspecting Democrats against the Catholics ; a political device to seduce them from allegiance to their party, and we may be told by and by, that it was only a “*political joke*.”

If there was any sincerity in these professions, why did they put forth foreigners at the last election in this city—and why were Messrs. Roselius and Burth not only elected to the Convention, but by a stronger vote than the others on their ticket, giving the “natives” of their own political party who were on the same ticket, leave to remain at home.

The hostility to foreigners is two-fold, first, because they come here embued with Democratic feelings, and again, because a large proportion of them profess the Catholic faith.

Hundreds of thousands of the most hardy, enterprising and talented men of the age, come to the United States annually, to seek their fortunes. More the better, I say, for the good of the country. They spread themselves over the whole nation; lead them to consider themselves proscribed men and they would become dangerous to the peace, safety and union of the Republic. How much better is it for them to be received into the bosom of our political family, and taught to believe that we have but one common interest, and that all should act together in promoting the prosperity of the nation. Twenty-three of these adopted citizens were taken in arms, fighting our battles, and sent to London to be tried as traitors for fighting against Great Britain. President Madison caused forty-six British prisoners to be immediately placed in close confinement in Ohio, to share the same fate of the twenty-three—blood for blood, and two for one. Thus we see that the immaculate MADISON *knew no distinction between citizens, whether native or adopted.*

The QUESTION OF NATIVE AND ADOPTED CITIZEN *should not be considered debateable* any more than the slave question is; BOTH QUESTIONS SHOULD BE CONSIDERED SETTLED; TO AGITATE EITHER, ALIKE TREASONABLE.

New-Orleans, 27th July, 1844.

'The great haste with which the article was prepared by the writer of this, and published at the close of the election at the moment of excitement, occasioned some trifling inaccuracies. Its republication in a corrected form seemed, therefore, to be called for, and it is now added to these pages.

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## TO THE PUBLIC.

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### THE ELLIOTT VOTES.

'The circumstances attendant on the recent election having become the subject of public discussion, it is important that the precise facts of the case should be known. I therefore have to request a perusal of the return made by the Inspectors for the First Ward of the Second Municipality, a copy of which is hereunto annexed.

It having been generally reported that the Whig Inspectors had agreed not to receive the votes of persons holding certificates of naturalization issued by Judge Elliott, I called upon James P. Freret, Esq., my associate to superintend the election, the day previous, to know if he had determined to reject such votes without enquiry as to their validity. His reply was that he had so determined, and that he would not listen to any arrangement or compromise in relation thereto.

I considered it my imperative duty to refrain from prejudging any case which might be presented to the Inspectors for their decision, and communicated those opinions to the Democratic citizens of the Ward, notifying them of the determination of Mr. Freret, and that it would not be in my power to receive any vote objected to by him, however well the validity of the certificate might be established.

Having received my appointment from the Hon. Charles Maurian,



Judge of the Parish Court, to whom the return of the election was to be made, I considered it proper for the Inspectors to be guided by his opinion on all law points which might be presented, and about which they might differ; and in case my associate would not yield thereto, I felt compelled to resign my office, that I might not be an obstacle to the receipt of the vote of any citizen legally entitled to the elective franchise.

Entertaining such opinions, I addressed a letter to Judge Maurian, in words following :

“NEW-ORLEANS, 1ST JULY, 1844.

“HON. CHARLES MAURIAN, Judge of the Parish Court.

“*Dear sir*—Unable to have the election conducted according to the requirements of law, I wish your advice in the matter, and have therefore to ask, as a personal favor, your immediate attendance at the Poll of the First Ward, Second Municipality, at the St. Charles Hotel, that another may be appointed in my place in case your explanation of the law should not so enlighten the Inspectors as to induce them to harmonize on the proper course to be pursued. }

“With great respect,

“I am, dear sir,

“Your obedient servant,

“JACOB BARKER.”

I made great exertion to have this letter placed in the hands of Judge Maurian early in the day : not being successful, I agreed to such a course of proceeding as is detailed in the return of the Inspectors, and as, in my opinion, would be most likely to counteract the effect of the aforesaid determination to prejudge the cases to be tried, and such as would facilitate the election, secure to all the free exercise of their elective franchise, and consign to rest hereafter the question as to the legality of the Elliott votes, and at the same time to enable Congress, the Convention and the Legislature, to have the whole matter before them, so as to decide advisedly on the qualifications of all persons claiming to have been elected. In the latter I think I have succeeded, although there were but five Elliott votes received—one of which was for the entire Whig ticket, and the other four the entire Democratic ticket. It however remained to be seen when the action of those bodies shall be had on the matter.

I do not know of any law requiring the production of naturalization papers; as to other qualifications, the oath of the voter is deemed to be sufficient; and if sufficient as to the requirements of a law in one case, why not in all? and if not in all, who has the power to make a difference

unknown to the law? The penalty for perjury relied on for protection and the fear of delay in conducting elections, has induced our law-makers to yield to the argument of convenience in not interposing any other restriction; and are we to be told that the oath of a French, a German or an Irish citizen is not entitled to the same faith as if born in New-England, when the oath of the latter, without a certificate, is taken to be satisfactory evidence of his having become a citizen of Louisiana by the years residence required by the Constitution.

Those persons who approve of my associate's having placed in the ballot box the vote of Mr. Kelly, in defiance of my positively expressed will, should remember that I had the same right to have placed in the ballot box the Elliott votes, in defiance of his positively expressed will. Had I done so, what would have been the public opinion?

If the refusal of one Inspector to receive a vote presented, disposed of the question as to that vote, how does it happen that the refusal of another Inspector to receive another vote presented, did not equally dispose of the question as to that other vote?—in place of which it is claimed, that while the refusal of one rejected the vote and disposed of the question, the refusal of the other conferred the right on a single Inspector to deposite the ballot in the box in defiance of the other.

It seems to me that the rule, to be sound and tenable, should work both ways.

How far the putting Mr. Kelly's vote into the ballot box may vitiate the whole election, is yet to be decided. Should such be the result, those who so boisterously urged the Inspector to put in that vote will have to thank themselves, and may perceive the impolicy of intermeddling in a clamorous and frantic manner with the duties of public officers, who should be left to act calmly and considerately, on the responsibility of their oaths.

It will be seen by the proces verbal, that I did not object to the impeachment of any Elliott certificate presented, or that might be presented; all I contended for was, that without evidence they could not be deemed fraudulent.

The naturalization papers retained were not investigated or read by the Inspectors until after the polls closed; beyond the fact of their having been issued by Judge Elliott, no evidence was adduced that they were a part of the 1748 enquired about by the Senate, or of the nineteen impeached.

Mr. Conlon, about whose vote the first difficulty arose, had resided in this city about fourteen years, and had been, as he upposed, legally naturalized by Judge Elliott. Suppose he had purchased an American ship,

and taken out a register in his own name, would a just public allow that ship to be forfeited as belonging to an alien, without allowing the validity of the certificate to be investigated? If not, they would not allow his citizenship in any case to be impeached without proof and without trial.

JACOB BARKER.

## INSPECTOR'S RETURN.

NEW-ORLEANS, ST CHARLES HOTEL, 1st July, 1844.

*The Poll for the Election to be held this day for the First Ward of the Second Municipality;*

The Poll was opened under the inspection of James P. Freret, and Jacob Barker, Wm. C. Auld Secretary, at ten o'clock, and all the legally qualified voters who offered for about one hour were received, when Stephen Conlon presented himself and demanded the right to vote, his naturalization papers having been issued by the City Court of the City of Lafayette, over which Judge Elliott presided at the time; his vote was at the time objected to, when the following proceedings took place.

Stephen Conlon presented himself, and claimed the right to vote: his right being challenged, the oath was administered—he swore that he had resided in the State for one year immediately preceding the election, superradding that he had been a resident of the city of New-Orleans for nearly fourteen years, that he had resided in the ward six months immediately preceding the election, that he had paid a tax to the State within the last year, and being asked if he was an adopted citizen of the United States, said he was, and presented the papers hereunto appended, marked A. and B.; whereupon James P. Freret, Esq., one of the Judges of election, objected to receiving the same, and Jacob Barker, the other Judge, insisted on its being received, and proposed to hear *any* evidence going to its impeachment, that might be offered;—whereupon Mr. Freret stated that it had been impeached by the Senate of Louisiana, that he would not listen to any testimony beyond that his certificate of naturalization was from Judge Elliott. Mr. Barker denied that it had been impeached, and demanded proof. The said Stephen Conlon being further interrogated whether he had paid a tax to the State within the last six months, answered affirmatively, and referred to a receipt in his possession to ascertain the date of payment; Jas. P. Freret requested to see it, and it



was handed to him—objected to on the ground of erasures—it was afterwards handed in and appended, marked C. Mr. Barker proposed to mark on the back of the vote, “Elliott,” and put it in the box, and in the certificate of returns to set forth *all* the facts of the case, that it might come before a higher tribunal to be acted on, which Mr. Freret positively refused, and the vote was not put in.

Signed.

JACOB BARKER.

JAMES P. FRERET.

Signed. Wm. C. AULD, Secretary.

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Paper marked (A.)

*The State of Louisiana—City Court of Lafayette*—Be it remembered, that Stephen Conlon, late of the United Kingdom of Great Britain and Ireland, appeared in the City Court of Lafayette on the 28th day of June, 1843, and declared on oath in open Court that it was bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance to every foreign Prince, Potentate, State or Sovereignty whatever, and particularly to Victoria, Queen of Great Britain and Ireland.

In testimony whereof I have hereunto set my hand and affixed the seal of said Court, at the city of Lafayette, this 28th day of June, 1843, and of the Independence of the United States the 67th.

Signed,

A. PHELPS, Clerk.

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Paper marked (B.)

*United States of America—the State of Louisiana—Parish of Jefferson—City Court of the City of Lafayette*—To all to whom these presents may come, greeting: Whereas, at the City Court of Lafayette, held in the City of Lafayette, this eighth day of September, Anno Domini one thousand eight hundred and forty-three, and in the sixty-eighth year of the Independence of the United States of America, Stephen Conlon, late of the Kingdom of Great Britain, came and appeared in said Court, and made application to be made a citizen of the United States of America; and having complied with all the conditions and requisites of the acts of Congress in such cases made and provided, for establishing an uniform rule of naturalization, and the oath to support the Constitution of the United States of America, and to renounce all allegiance and fidelity to every foreign Prince, Potentate, State or Sovereignty whatever, being administered unto him in open court. present the Honorable B. C. Elliott, Judge of said Court, he, the said Stephen

Conlon, is, by virtue thereof, and the premises, declared and enrolled a citizen of the United States.

{ Seal of the City }  
{ Court of Lafayette } In testimony whereof, I have affixed the seal of said  
{ affixed. } Court, at the City of Lafayette, this eighth day of September, in the year of our Lord, one thousand eight hundred and forty-three, and the sixty-eighth of the Independence of the United States of America.

Signed, A. PHELPS, Clerk.

—  
Paper marked (C.)

Received, Parish of Washington, 30th day of January, A. D., 1843, of Mr. Stephen Conlon, of New-Orleans, no dollars six cents, in full for his Parish and State Tax for 1843, on one-sixth of an acre land situate and lying in the Parish of Washington.

Signed, A. C. BICKHAM, Sheriff and ex-officio  
Collector of Taxes for the Parish of Washington.

—  
The date, name and quantity (of land) in the aforesaid receipt, appears to have been written on erasures.

Mr. Barker having refused to receive any other vote so long as the said Conlon continued at the polls, demanding to have his vote put in, in consequence, the preceding process verbal was made.

Soon after the proces verbal had been signed by the Judges, the said Conlon withdrew, and the Inspectors went on receiving all legally qualified votes, until John Clarkson presented himself to vote; he was objected to for reason that his naturalization certificate had been issued by Judge Elliott. He was duly sworn, and testified that he was an American citizen, that he had been in the country more than six years, was duly naturalized, and that he had resided in the State for one year, and in the Ward six months last past, and that he had paid a tax to the State within six months last past; whereupon the ticket was marked Elliott, retained at the request of Mr. Barker, but not put into the ballot box, whereupon the following proces verbal was made:

John Clarkson presented his vote under similar circumstances as Stephen Conlon, when similar proof, similar interrogations under oath, and similar answers were given by the applicant, with the exception that the tax receipt appeared regular and no direct proof of declaration of intention to become a citizen, and the applicant stated his residence in the United States to have been for upwards of six years, and the Judges came to the same decision as they did in the case of Stephen Conlon.

Signed, JACOB BARKER  
JAMES P. FRERET.

WM. C. AULD, Secretary.

Immediately after the last aforesaid proces verbal had been signed, A. D. Kelly, Esq. presented himself and demanded that his vote should be received. Mr. Barker objected, alleging that until Mr. Clarkson's case had been concluded, no other could be considered. Mr. Freret insisted that he would receive it and put it in the ballot box on his own responsibility, whether Mr. Barker consented or not. Mr. Barker said he would not oppose any physical force to prevent him, but that if he did so, he could not sign the certificate that the election had been conducted according to the requirements of law; whereupon the Judges made and subscribed separate statements, filing them with the Clerk, viz :

A. D. Kelly presented himself and claimed to vote. James P. Freret, Esq. considered it a good vote, and wished to put it in the box. Mr. Barker objected, considering the question, while the Inspectors had under consideration the application of John Clarkson, who continued at the polls, demanding that his vote should be put in. Mr. Kelly demanded of Mr. Barker to know if he did not consider him entitled to vote. Mr. Barker said that he had no other answer to give him than the preceding, adding at the same time, that he had a perfect conviction that Mr. Kelly had a right to vote as soon as the other case was disposed of; whereupon Mr. Freret said he would put the vote in on his own responsibility. Mr. Barker stated that he should not oppose his doing so by force, but he could not certify the election when it was over, as having been legally conducted. Signed, JACOB BARKER.

WM. C. AULD, Secretary.

The above is the individual statement of Jacob Barker, one of the Inspectors of election.

In reply to it, James P. Freret, the other Inspector, declares that he did not consider as alleged by Jacob Barker, that any question was under the consideration of the Inspectors at the time that A. D. Kelly presented his ballot to the Inspectors; that it is true that just before Kelly presented his vote, the question as to the right of an individual to vote under a certificate from Judge Elliott, had arisen, but in my opinion, that question had been disposed of.

The Inspectors had differed in relation to it, and had noted that difference in their proces verbal, as will appear from the minutes of the clerk; Jacob Barker giving the opinion in writing that the Elliott vote was good, and J. P. Freret giving his opinion that it was bad.

The ballot alluded to, was not put in the ballot box, but retained by the clerk at the request of Jacob Barker.

After this occurrence, A. D. Kelly, an old and respectable and well known citizen, presented his ballot to the Inspectors; Jacob Barker re-

refused to take it, and when asked by Mr. Kelly the cause, said that he could not take another vote until the Elliott vote, which *had been in* question, should be decided upon, and that he considered that as still under consideration. J. P. Freret asked if any one had any challenge to make to Mr. Kelly's vote; that he, Mr. Freret, knew Mr. Kelly to be entitled to a vote, and that if there were no challenge, he would put the vote in the box. Jacob Barker was then asked by Mr. Kelly, if he would challenge his vote. Barker replied, he had a perfect conviction that Mr. Kelly had a right to vote, but that he had nothing else to say than what he had already said; he would take no vote until the Elliott vote which, according to his opinion, was under consideration, should be acted upon. Upon this, J. P. Freret declared that as Mr. Kelly's vote was not challenged, and he knew it to be good, and as there was nothing else before the Inspectors than the question as to Kelly's vote, he would, under the circumstances, assume the proper responsibility of his office, and put it in the box, Mr. Barker alleging that if the vote of Mr. Kelly was put in the box, he would not sign the certificate of the return of the election as having been conducted according to law. I deeming the vote of Mr. Kelly to be unquestioned, put the vote in the box.

Signed, JAS. P. FRERET.

*New-Orleans, 1st July, 1844.*

Mr. Barker refusing to recognise any farther proceedings as the doings of the Inspectors, and the Secretary saying he could not act without *two* Inspectors, the following compromise or arrangement was entered into, viz:

A misunderstanding having arisen between the Inspectors, in relation to the Elliott votes, the Inspectors entered into the following agreement: 'That all the legal votes thereafter offering, should be placed in a separate box, except the Elliott votes, and that the Elliott votes should be kept in a separate box; that all questions of law arising out of the case as detailed in the proces verbal, should be submitted to Judge Maurian for his opinion thereon, and if such opinion should be obtained before closing the polls, his judgment should control the conduct of the Inspectors on all questions of law; otherwise the contents of both boxes were to be mingled and counted together, but it was expressly agreed that the Elliott votes should not be counted in the general return but a separate note made of them, and the whole proceedings, duly signed by both the inspectors.

Signed,

JACOB BARKER,

Signed, W. C. AULD, Secretary.

JAMES P. FRERET.

*New-Orleans, July 1st, 1844.*

After making the aforesaid agreement the election progressed under the superintendence of the two inspectors and secretary, during which

the following named individuals, viz: Charles William Bardels, Thomas Kelly, and Henry Cortjohn presented themselves and claimed the right to vote. They were challenged on the ground they had been naturalized citizens; the oath that they would true answers make to all questions which should be propounded to them, touching their right to vote was taken by all, and they all stated that they had obtained their naturalization certificates from Judge Elliott's Court, that they were citizens of the United States, that they had resided in the state for one year and in the ward for six months immediately preceeding, and that they had paid taxes to the state of Louisiana within the last six months: whereupon the said James P. Freret refused to consider them entitled to vote, and their ballots were marked Elliott and retained agreeably to the terms of the aforesaid agreement.

Great efforts were made through the day to obtain the presence of, and opinion of Judge Maurian—they not being successful, the poll was closed at the appointed hour and the ballots mingled by placing those from the second into the first box, when the Inspectors proceeded to count the same, and there appeared to have been received—

*For Representatives to Congress from the Second District :*

Alcee Labranche received 133 votes. B. Thibodaux received 235 votes. Jno. Slidell received 6 votes.

*For Representatives to the State Legislature :*

Gayarre	received	134 votes.	Lavergne	received	239 votes.
Johnson	do	132 votes.	Burthe	do	242 votes.
Durrive	do	133 votes.	Lathrop	do	238 votes.
Ramos	do	127 votes.	Gardere	do	227 votes.
Fonteneau	do	133 votes.	Pilie	do	239 votes.
Walker	do	133 votes.	Crossman	do	238 votes.
Winthrop	do	142 votes.	Avery	do	240 votes.
Locke	do	135 votes.	Farrar	do	243 votes.
Vason	do	137 votes.	Duvignaud	do	238 votes.
Daunoy	do	133 votes.	M Canon	do	1 vote.
Cruzat	do	242 votes.	S. J. Peters	do	1 vote.

*For Senatorial Member to the Convention.*

John R. Grymes received 147 votes. Martin Blache received 230 votes.

*For Parish Members to the Convention.*

J. B. Plauche	rec'd	135 votes.	W. Christy	received	235 votes.
W. Bogart	do	137 votes.	W.C.C.Claiborne	do	239 votes.
P. Soule	do	135 votes.	A. Mazureau	do	238 votes.
H. B. Cenas	do	128 votes.	J. P. Benjamin	do	247 votes.
B. Marigny	do	128 votes.	R. Hunt	do	252 votes.
M. Cannon	do	124 votes.	A. C. Bullitt	do	250 votes.
J. C. Larue	do	120 votes.	Jno. Culbertson	do	242 votes.
E. Lasere	do	127 votes.	Gardere	do	1 vote.
N. Jourdon	do	127 votes.	Winthrop	do	1 vote.
E. Eustis	do	138 votes.	J. Barker	do	1 vote.
C. Roselius	do	235 votes.	Crossman	do	1 vote.
C. M. Conrad	do	242 votes.	J. R. Grymes.	do	1 vote.
S. J. Peters	do	238 votes.			

(Signed,)

(Signed,)

(Signed.) WM. C. AULD, Secretary.

JAMES P. FRERET, Inspector.

JACOB BARKER, Inspector.

N. B. Four of the five Elliott votes aforesaid and not included in the count aforesaid, were for



## Alcee Labranche for Congress.

Gayarre for Legislature.	Jno. R. Grymes for Senatorial Member to Convention.		
Johnson do	J. B. Plauchie for Parish	do	do
Durrive do	W. Bogart	do	do
Ramos do	P. Soule	do	do
Fontaneau do	H. B. Cenas	do	do
Walker do	B. Marigny	do	do
Winthrop do	M. Cannon	do	do
Locke do	J. C. Larue	do	do
Vason do	E. Lesere	do	do
Daunoy do	N. Jourdon	do	do
	G. Eustice	do	do

*The other one not included in the aforesaid count, was for*

B. Thibodaux for Congress.

Cruzat for Legislature	Martin Blache for Senatorial Member to Convention.		
Laverigne do	C. Roselius for Parish	do	do
Burthe do	C. M. Conrad	do	do
Lathrop do	S. J. Peters	do	do
Gardere do	Wm. Christy	do	do
Pilie do	W.C.C. Claiborne	do	do
Crossman do	A. Mazureau	do	do
Avery do	J. P. Benjamin	do	do
Farrar do	R. Hunt	do	do
Duvignaud do	A. C. Bullitt	do	do
	Jno. Culbertson	do	do

Signed,

JAMES P. FRERET, INSPECTOR.

Signed,

JACOB BARKER, INSPECTOR.

Signed, Wm. C. AULD, Secretary.

NEW-ORLEANS, 3d July, 1844.

July 27th 1844.

Since the preceding was in type, application was made to the Appellate Court for an order on Judge Carrigan, (which he had suggested) who did not and could not intermeddle unless the case should be brought up by appeal. Judge Carrigan on being notified of this fact ordered the papers on file in his Court to be restored to the parties from whom they had been received.

Thomas Quinn, who offered to vote on an Elliott certificate at the recent election and was refused, by Mr. Vienne, the Whig Inspector, at the Second Ward, Second Municipality, although he had always voted before this election; as his counsel, I presented such certificate this day to the Honorable Charles Maurian, Judge of the Parish Court, where his declaration had been made in due season and asked for a new certificate,—the Judge after examining the certificate pronounced it to be as good as any he could issue. Mr. Quinn having been once refused, insisted on a new certificate from that Court—two American citizens appearing and giving testimony of his residence in this city for more than five years, of



his good moral character and attachment to the institutions of our country,—the new certificate was granted.

The old and new certificates are in words and figures following:

COPY.

The State of Louisiana—City Court of the City of Lafayette. Friday, October 30th, 1840. Present, the Hon. B. C. Elliott, Judge.

This day came and appeared in open Court, Thomas Quinn, a native of Ireland, Kingdom of Great Britain: and the said Thomas Quinn having proved to the satisfaction of this Court by Peter Cummings and Ignan Zellar, citizens of the United States, that he the said Thomas Quinn arrived in the year of our Lord one thousand eight hundred and thirty-three, that he has resided in the State of Louisiana ever since his arrival in the United States, that he is a man of good moral character; attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same, and that it has been bona fide his intention for the last five years to become a citizen of the United States, and the said Thomas Quinn having shown that he filed his declaration or report in the Marine Court in the City of New York and State of New York in the year of our Lord one thousand eight hundred and thirty-three (to wit:) that it was bona fide his intention to become a citizen of the United States and to renounce all allegiance to every Foreign Prince, Potentate, State and Sovereignty and particularly to the King of Ireland and Great Britain, and the said Thomas Quinn having taken the oath required by the first section of an act of Congress entitled, “an act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed upon that subject,” and by the first section of an act in addition to an act to establish an uniform rule of naturalization, and to repeal the acts heretofore passed upon that subject. Whereupon it is ordered by the Court that said declaration and oath be entered of record, and that said Thomas Quinn be deemed and considered a citizen of the United States.

I, Abner Phelps, Clerk of the City Court of Lafayette, do certify the foregoing to be a true copy of the original act of naturalization of Thomas Quinn, filed this day of record in the Clerk's office of said Court.

In testimony whereof I have hereunto set my hand and affixed the seal of said City Court this thirteenth day of October, in the year of our Lord one thousand eight hundred and forty, and the sixty-fifth of the independence of the United States.

Signed.

A. PHELPS.

COPY.

“Upon the special application of Thomas Quinn, and although the

within certificate of naturalization appears to me perfectly valid, he performed this day all the formalities required by law, and was again naturalized in the Parish Court of New-Orleans."

Signed,  
N. O. July 27, 1844.

CHARLES MAURIAN,  
Judge.

COPY.

United States of America.

STATE OF (L. S.) LOUISIANA.

Parish Court for the Parish and City of New-Orleans.

July 27th, 1844.

Present, the Honorable Charles Maurian, Judge.

This day personally came and appeared in open Court, Thomas Quinn, a native of the County of Westmeath, Ireland, now aged about forty-three years, who having exhibited to the Court his declaration of intention to become a citizen of the United States, made before this Court on the thirtieth day of June, 1840, and he having sworn that he arrived in the United States to wit: at the city of New York, State of New York, in the year 1833, and that he has continued to reside within the limits and under the jurisdiction of the UNITED STATES ever since, and for the last four years within the State of Louisiana, and that for the last three years it has been his *bona fide* intention to become a CITIZEN OF THE UNITED STATES, and he having proved his intention and residence to the satisfaction of the Court, by the oaths of Edward Rignay and Patrick Ward, witnesses, both Citizens of the United States, as also of his having always behaved as a man of good moral character, attached to the principles of the CONSTITUTION OF THE UNITED STATES, and well disposed to the good order and happiness of the same: and the said Thomas Quinn having taken the oath required by an act of Congress entitled, "An act to establish an uniform rule of NATURALIZATION, and to repeal the Acts heretofore passed upon that subject," and by the first section of an Act of Congress, entitled, "An Act in further addition to an Act to establish a uniform rule of NATURALIZATION and to repeal the acts heretofore passed upon that subject,

IT IS THEREFORE ordered, adjudged and decreed by the Court, that the said Thomas Quinn be deemed and considered a CITIZEN OF THE UNITED STATES.

A true copy of the original. Clerk's Office, New-Orleans, July 29th, 1844.

C. WEYSHAM,  
Deputy Clerk.

I Charles Maurian, sole Judge of the Parish Court for the Parish and City of New-Orleans, do hereby certify that Carlos Weysham, whose signature is affixed to the above document, is, and was at the time of signing the same, one of the Deputy Clerks of our said Court, and that the signature of said Carlos Weysham is in the true handwriting of him the said Carlos Weysham.

CHARLES MAURIAN,

Judge.

New-Orleans, July 29th, 1844.



MONDAY, JULY 29TH, 1844.

On Saturday last for the first time I was favored with the perusal of a pamphlet which has been put into circulation by the authority of the Whig meeting which was convened at the St. Louis Exchange on the 3d July, 1844—professing to describe the conduct of the Inspectors of the late election, and the proceedings of the Legislature in relation to the Elliott certificates, in which pamphlet I am sorry to be compelled to say there are some errors, also, some omissions.

What happened at any other Poll than that of the First Ward Second Municipality, I have not any knowledge, but as to what happened at that Poll *I am not mistaken*. The authors of the said pamphlet are mistaken in saying that James P. Freret Esq. my associate inspector, adopted a separate box and received the votes after the difficulty arose about the Elliott votes, without being recognized by me, until the close of the Polls; the *second* box was adopted by both, and not a ballot placed in it which was not recognized by me—as well as by Mr. Freret, at the time, and before it was put into that box. Only *one ballot*, (that of Mr. Kelly) was placed in either box without my consent, and that *was put into the original box* by Mr. Freret, before the second box was introduced;—this led to the compromise, after which the business of the election was conducted with all possible despatch and harmony, and not a voter remained at the polls offering to vote when the hour arrived for closing; and it is not known that a single voter lost his vote by the short delay which took place. Hence, the declaration that the Whig majority was probably reduced forty or fifty by this delay, is an imaginary figure as improbable, as *their statement as to the conduct of the two Inspectors*, is erroneous. To have effected this majority of forty or fifty, there must have been more than one hundred and fifty good votes rejected, as the Whigs did not get two-thirds of the votes polled.

The statement I here make, the reader will find corroborated by the *proces verbal* bearing the signatures of both Inspectors now on file in the office of the State Department—a copy of which will be found on page 37 of this book.

It will be seen by a perusal of the *proces verbal* (page 34 to 37 of this pamphlet,) that Mr. Freret is mistaken when he says that Mr. Barker had given his opinion in writing that the Elliott vote was good;—all that Mr. Barker urged was investigation, which was refused, and to consider them good—if in due form, and not impeached.

After having thus described me as one of the offending Judges, the Committee go on to say:



"The undersigned would only further observe, that criminal prosecutions have been instituted against the offending judges, who have been bound over to appear before the Criminal Court, and true bills of indictment have been found against them."

This, so far as relates to me, is all fiction, nor is it true that bills of indictment against those judges against whom proceedings are pending, have been found.

The committee have published in their pamphlet *the penalty of the law for disfranchising a citizen*, BUT OMITTED to proclaim the penalty of the law FOR INTERFERING WITH THE INSPECTORS IN the discharge of THEIR DUTY. It is to be found in the Act of November 7, 1814, 1st Mo: Digest page 431, sec. 5. and is in the following words:—

"If it may be made to appear to the satisfaction of the proper court that at any election held or to be holden, under the laws of this state, any intimidation, threats, or violence, shall have been used or practised, with design to influence unduly, or to overawe such election, or to restrain the freedom of choice; or *if any officer of election SHALL BE THREATENED*, or violence used to his person, OR BE INTERRUPTED IN THE EXECUTION OF HIS DUTY, every person who shall be guilty of such intimidation, threat, violence or interruption, being convicted thereof, *shall be fined in a sum not exceeding one thousand dollars, and be imprisoned, not exceeding three months.*"

The statement in the said pamphlet is obnoxious to another objection—in page 8 they say,

"The report of the House of Representatives respecting them, (*the Elliott certificates*) discloses a scene of gross neglect, fraud and corruption, throughout the whole process under which they were issued, unparalleled in the history of this country,"

"They then go on to say:

"And the Senate in their proceedings, sitting as a High Court of Impeachment under the solemnity of an oath, after a laborious examination of testimony, and hearing eloquent and able counsel on the part of Judge Elliott, adopted the following articles of Impeachment presented by the lower house."

In these articles of Impeachment which they set forth at length in their pamphlet, it is among other things, stated that 1748 certificates were unlawfully and corruptly caused and permitted to be issued between the 2d March, 1841, and the 1st January, 1844, and which it is stated in the pamphlet, that the Senate sitting as a High Court of Impeachment ADOPTED. In place of which, the Court qualified their con-



demnation—saying—“that the said Benjamin C. Elliott was guilty of the issuing of *some* of the said certificates as charged, but not of all.”

Ten members voting in the affirmative, and four in the negative, “because they believed that the question could not be divided.” See page 30 of the Official Journal of this trial.

And the Court further RESOLVED,

“That the Senate in giving their votes upon the articles of Impeachment in this case, *are not to be considered* AS EXPRESSING, AND DO NOT INTEND TO EXPRESS *an opinion as to the right of the parties possessing certificates of naturalization issued from Judge Elliott's Court, to ENJOY AND EXERCISE THE FRANCHISE OF AMERICAN CITIZENS.*”

THIS RESOLUTION IS WITHHELD FROM THE PAMPHLET IN QUESTION.

Here we have evidence that Mr. Freret was mistaken when he said (see page 34.) that the Legislature had impeached *the Elliott certificates.*

It will not escape notice that the charges against Judge Elliott *are limited to a period SUBSEQUENT to the 2d of March, 1841;* and yet all the certificates issued by him for some six or eight years, during the whole course of his judgeship, are to be considered a nullity, *on the authority of these proceedings,* and without regard to the rights of parties holding them!

The aforesaid Thomas Quinn was among the number disfranchised by this act of injustice; his certificate, (see page 41) was in *due form*, and as good as any certificate of naturalization granted by any court in the United States, YET he was disfranchised by the arbitrary conduct of the Whig Inspectors.

Again, this Committee say, that

“Previous to the election it was publicly stated, and indeed proclaimed, that the loco-foco party were determined, notwithstanding the notorious and acknowledged frauds in issuing the Elliott certificates, that these votes should be received, or they would close the voting in the Whig Wards.”

So far as I was concerned they are mistaken, as is proved by my proposition to Mr. Freret *the day before the Election—to examine into the validity of all the Elliott certificates* which should be presented, REJECTING such as should appear to have been improperly granted.—Also by my report to a public meeting held the same evening, of Mr. Freret's refusal to agree to this proposition, and his determination to reject all the Elliott certificates *without enquiry*; with a notification to the meeting that I should not have the capacity to resist any such an act of power;—and again, my proposition to leave the questions which might arise to the Whig Judge from whom we derived our appointment; and finally, my letter written to that Judge on the morning of the election, *and before it began* intimating my wish for another to be appointed in my place.

Can there be stronger evidence that I was not obnoxious to the charge this Committee have thought proper to make against all the Democratic Inspectors *on the authority of public rumor*?

As to the supposition that the Elliott voters were hired to go to the polls *to interrupt* the election—the Committee rely on their own imagination without having adduced a particle of proof, *and no circumstance* has come to my knowledge to warrant the supposition, **THAT ANY SUCH CRIMINAL CONDUCT TOOK PLACE!**

However probable that men willing to make so grave and fearful a charge against others without the slightest proof, would not balk at committing such acts themselves—I will not return the compliment by accusing them of having sent a man to the polls with one of the corrupt Elliott certificates, and what they call a *forged receipt to interrupt the election*, in the hope of benefit from the moral influence of leading the public to believe the Democrats had done the vile deed.

It is not my province to remark on the other part of the statements put forth in the said pamphlet further than to say, that—the reader of every party will be much *less likely* to afford it his full credence than he would have been—had not the errors and omissions I have pointed out been permitted to escape the notice of this Committee before they gave their signatures to the public.

The Whigs pretend that *their intention* was to recommend **ONLY** such foreigners, for naturalization *as could furnish LEGAL PROOF of the requisites for citizenship*;—if this be so, let them tell us what is meant by the note of the secretary of the Clay Club to Mr. Gaiennié *written in French*, and published in that language on page 39 of the official Journal of Elliott's trial—and also on page 8 of this book—the translation of which reads thus.

“Mr. L. U. Gaiennié.”

“A Mr. Martin and his son have returned from Lafayette, without having been naturalized, **JUDGE ELLIOTT REQUIRING THEIR WITNESSES**; *when you told Mr. Martin IT WAS NOT NECESSARY. Shall I tell these persons TO PROVIDE THEMSELVES with witnesses.*”

“Your ob't servant,”

**CHARLES GUENET.**

The Whigs threaten if they get into power that they will repeal all the naturalization laws; if they should do this—such repeal could not apply to those who shall have had recorded, *a declaration to become citizens*—as the declaration would **SECURE A VESTED RIGHT**. Hence it behoves every person now in the United States who was born in a foreign land, as also all those who shall hereafter arrive in the United States to make the declaration before a Court of competent jurisdiction without the least delay.

**JACOB BARKER.**













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